

S.R. 16 - By Turner: Recognizing Dr. Richard W. Stadelmann for his outstanding contributions to Texas A&M University.

S.R. 17 - By Turner: Recognizing Dr. Richard Becka for his outstanding contributions to Texas A&M University.

S.R. 18 - By Turner: Recognizing Dr. Hugh J. McCann for his 25 years of distinguished service to Texas A&M University.

S.R. 19 - By Turner: Recognizing Dr. Manuel M. Davenport for his 25 years of outstanding service to Texas A&M University.

S.R. 20 - By Moncrief: Congratulating the Reverend C. L. Bryant on his recent promotion to the rank of Bishop.

S.R. 22 - By Brown: Recognizing William Dojahn for his 32 years of loyal service on the faculty of Angleton High School.

S.R. 23 - By Sims: Recognizing Ronald A. Mittel on his retirement after 30 years of service as Executive Director of the Schleicher County ASCS office.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:53 a.m. adjourned until 11:00 a.m. tomorrow.

THIRD DAY

(Thursday, January 14, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Albert Elam, First Baptist Church, Dale, offered the invocation as follows:

Our Father which art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us knowledge that in truth we may do the work before us today that would be good for those whom we represent. And may Your rich blessing be on these, our leaders, today. For we ask in the name of Christ Jesus our Lord. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHORS OF SENATE BILL 13

On motion of Senator Brown and by unanimous consent, Senators Bivins and Sibley will be shown as Co-authors of S.B. 13.

CO-AUTHOR OF SENATE BILL 55

On motion of Senator Sibley and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 55.

CO-AUTHOR OF SENATE JOINT RESOLUTION 1

On motion of Senator Sibley and by unanimous consent, Senator Shapiro will be shown as Co-author of S.J.R. 1.

MESSAGE FROM THE HOUSE

House Chamber
January 14, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 4, Granting each house of the legislature permission to adjourn for more than three days during the period from January 14 to January 25, 1993.

H.C.R. 9, Honoring American veterans of the 1968 Tet Offensive on the occasion of their silver anniversary and reunion.

H.C.R. 10, Commending the City of Lubbock for its initiative in presenting a competitive application to encourage the Department of Defense to locate a Finance and Accounting Services facility in the State of Texas.

H.C.R. 11, Honoring Frederic W. Poe on his outstanding career with the City of Midland and extending best wishes for a rewarding retirement.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

OATH OF OFFICE ADMINISTERED TO OFFICERS

The President directed the officers of the Senate named in the Caucus Report to stand before the Senate.

The President administered the Constitutional Oath of Office to the officers.

MOTION IN WRITING

Senator Harris of Dallas offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready for business.

HARRIS OF DALLAS

The Motion In Writing was read and was adopted by a viva voce vote.

Accordingly, the President appointed the following Committee to Notify the Governor: Senators Armbrister, Chair; Truan, Ellis, Shapiro and Nelson.

SENATE RESOLUTION 39

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to join with the Martin Luther King Center of Dallas in observing Dr. Martin Luther King, Jr., Day; and

WHEREAS, Born January 15, 1929, in Atlanta, Georgia, Dr. King was destined to become one of the most influential men of the 20th century; and

WHEREAS, A spellbinding orator, clergyman, and 1964 Nobel Peace Prize winner, Dr. King inspired millions to reaffirm his passionate belief in nonviolence and to join his struggle for equal rights; and

WHEREAS, Outspoken yet eloquent, his unforgettable words spurred a generation of young Americans to strive for improved civil rights, equal educational opportunity, and economic well-being for all; and

WHEREAS, From the streets of Montgomery to the Birmingham jail to the steps of the Lincoln Memorial, Dr. King directed the focus of the world on the battle for human freedom and dignity; and

WHEREAS, The stirring words of Dr. King's "I have a dream..." speech in 1963 still evoke emotions of Americans of every race and creed; and

WHEREAS, Serving the needs of the poor, the neglected, and the elderly, the Martin Luther King Center admirably carries out Dr. King's message of peace and love; and

WHEREAS, Dr. King was a dedicated man of justice and remembrance of him on this special day affords all Texans an opportunity to renew their commitment to equal justice and opportunity for all Americans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby pause in its deliberations to honor the life and work of Dr. Martin Luther King, Jr., and that when the Senate adjourns this day, it do so in his memory.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

CAPITOL PHYSICIAN

The President recognized Senator Sims, who presented Dr. James Womack of Bandera as the "Doctor for the Day."

Dr. Womack, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might meet today.

PERMISSION TO MEET GRANTED

On motion of Senator Haley and by unanimous consent, the Committee on Administration was granted permission to meet while the Senate was in session.

MOTION TO RECESS

On motion of Senator Harris of Dallas and by unanimous consent, the Senate agreed to recess until 11:00 a.m. Tuesday, January 19, 1993, upon completion of the introduction and referral of bills and resolutions on first reading.

(Senator Henderson in Chair)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.J.R. 2 by Bivins State Affairs
Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in certain executive offices.

S.B. 4 by Parker, Bivins, Moncrief, Economic Development
Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini, Bullock
Relating to products liability.

S.B. 85 by Whitmire Jurisprudence
Relating to the creation of a judicial district composed of Harris County.

S.B. 86 by Moncrief Health and Human Services
Relating to the licensing of hospitals by the Texas Department of Health including the provision and appropriation of fees and the assessment of civil penalties and administrative penalties.

S.B. 87 by Armbrister State Affairs
Relating to the regulation of certain athlete agents; providing penalties.

S.B. 88 by Henderson Intergovernmental Relations
Relating to the validation of government acts and proceedings regarding certain bond elections in municipalities with a population of more than 1.5 million.

S.B. 89 by Truan, Rosson, Lucio, Health and Human Services
Zaffirini, Wentworth
Relating to establishing a birth defects registry.

S.B. 90 by Truan, Rosson, Health and Human Services
Lucio, Zaffirini
Relating to the access to information for epidemiologic and toxicologic investigations by the Texas Department of Health.

S.B. 91 by Truan, West Health and Human Services
Relating to the identification of children suffering from lead poisoning and to control measures for lead contamination; providing civil penalties.

S.B. 92 by Haley Intergovernmental Relations
Relating to the authority of certain counties to impose a county hotel occupancy tax.

S.B. 93 by Lucio Jurisprudence
Relating to the civil liability of certain chambers of commerce and to the volunteers and employees of the organizations.

S.B. 94 by Lucio Intergovernmental Relations
Relating to the election of commissioners of Brownsville Navigation District of Cameron County, Texas.

S.B. 95 by Lucio Education
Relating to the recruitment of teachers.

S.B. 96 by Lucio, Wentworth Jurisprudence
Relating to the acceptance of the retrocession of jurisdiction over land owned by the United States of America to this state.

S.B. 97 by Lucio, Whitmire State Affairs
Relating to death benefits payable to the survivors of certain public servants.

S.B. 99 by Sims Education
Relating to tuition charged certain students at public institutions of higher education.

S.B. 100 by Harris of Dallas State Affairs
Relating to tax and regulatory relief as incentives for the production of certain gas that is difficult or expensive to produce and relating to a reduced oil production tax rate for oil from certain enhanced recovery projects.

S.B. 101 by Harris of Tarrant Economic Development
Relating to health insurance policies, policy applications, and claim forms.

S.B. 102 by Harris of Tarrant Natural Resources
Relating to county enforcement of the Texas Aggregate Quarry and Pit Safety Act.

S.B. 103 by Harris of Tarrant Finance
Relating to the application of the professional prosecutors law to the district attorney of the 18th Judicial District.

S.B. 104 by Harris of Tarrant Education
Relating to the admission of children to the public free schools.

MEMORIAL RESOLUTION

S.R. 40 - By Bivins: In memory of W. L. "Putt" Powell of Amarillo.

CONGRATULATORY RESOLUTIONS

H.C.R. 9 - (Patterson): Honoring American veterans of the 1968 Tet Offensive on the occasion of their silver anniversary and reunion.

S.R. 24 - By Turner: Congratulating Jack Prentice of Huntsville on the occasion of his 92nd birthday.

S.R. 25 - By Henderson: Congratulating Kevin Farnsworth on achieving the rank of Eagle Scout.

S.R. 26 - By Henderson: Congratulating Aaron Theilhorn on achieving the rank of Eagle Scout.

S.R. 27 - By Montford: Recognizing Inez "Tippy" Foster for her 50 years of service to the State of Texas.

S.R. 28 - By Henderson: Congratulating Chris Hardisty on achieving the rank of Eagle Scout.

S.R. 29 - By Henderson: Congratulating Andy Speyer on achieving the rank of Eagle Scout.

S.R. 30 - By Turner: Declaring January 21, 1993, "Cecil Cooper Day" in the City of Brenham and Washington County.

S.R. 31 - By Turner: Congratulating Mr. and Mrs. A. Isedor Knippa of Lincoln on the occasion of their 50th wedding anniversary.

S.R. 32 - By Turner: Congratulating Paul Taylor on achieving the rank of Eagle Scout.

S.R. 33 - By Turner: Congratulating Mrs. Mary Williams of Groesbeck on the occasion of her 80th birthday.

S.R. 34 - By Turner: Congratulating Sallie Hightower on the occasion of her 100th birthday.

S.R. 35 - By Turner: Recognizing Glenn Cook for his 26 years of leadership as Executive Director of the Brazos Valley Development Council.

S.R. 36 - By Turner: Recognizing Oscar Thorne for his 11 years of service as the Walker County Tax Assessor-Collector.

S.R. 37 - By Turner: Recognizing Georgia Isbell for her recent selection as the Secretary of the Year by the Bryan Educational Secretaries Association.

S.R. 38 - By Turner: Congratulating Mr. and Mrs. Martin Redwine of Palestine on the occasion of their 67th wedding anniversary.

RECESS

Pursuant to a previously adopted motion, the Senate at 11:25 a.m. recessed, in memory of Dr. Martin Luther King, Jr., and Ben Ezzell, until 11:00 a.m. Tuesday, January 19, 1993.

APPENDIX

REPORT OF STANDING COMMITTEE

The following committee report was received by the Secretary of the Senate:

January 14, 1993

ADMINISTRATION — S.B. 98

**In Memory
of
Ben Ezzell**

Senator Bivins offered the following resolution:

(Senate Resolution 41)

WHEREAS, The Senate of the State of Texas joins with the citizens of Canadian and Texans across the state in mourning the loss of Ben Ezzell who died January 5, 1993, at the age of 76; and

WHEREAS, Born in Alvord, Texas, Mr. Ezzell graduated from high school in Quitaque in the early 1930s and from West Texas State College in 1938; in 1940, he became managing editor of the Seminole Daily Producer before joining the United States Army Air Corps as an intelligence officer and serving in the Philippines under General Douglas MacArthur; and

WHEREAS, After his discharge, Mr. Ezzell returned to the Texas Panhandle, and in 1948, he and his wife, Nancy, became the editors and publishers of The Canadian Record, a venture that required everything from reporting to typesetting and that would become a lifetime career for both of them; and

WHEREAS, The Canadian Record was a weekly community newspaper of relatively small circulation, but Ben Ezzell quickly became a giant in the newspaper business due to his incisive editorials and his exceptional professional and business skills; and

WHEREAS, Mr. Ezzell and his wife won more than 150 awards from the Panhandle Press Association, the Texas Press Association, and the National Newspaper Association, and Ben Ezzell gained national attention in the 1960s when The Canadian Record and a California newspaper were the first in the country to expose the philosophy and goals of the John Birch Society; and

WHEREAS, Mr. Ezzell became a legend in the world of journalism and was respected for his fearlessness, tenacity, and resolute pursuit of the truth; and

WHEREAS, A man of uncommon integrity, strength, forthrightness, and generosity, Mr. Ezzell was concerned for his fellowman, committed to justice, and determined to champion high moral principles in journalism and in life; and

WHEREAS, Respected in the community and throughout the state, Ben Ezzell was an exemplary gentleman whose intelligence, warmth, wit, and valor will be greatly missed; and

WHEREAS, A man of high spirits and strong beliefs, Ben Ezzell lived his life to the fullest, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend sincere condolences to the bereaved

family of Ben Ezzell: his wife, Nancy; and his daughter, Laurie Brown; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Ben Ezzell.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bivins and by unanimous consent, the resolution was adopted by a rising vote of the Senate.